

**2003 DRAFTING REQUEST****Bill**Received: **01/16/2004**Received By: **mdsida**Wanted: **As time permits**

Identical to LRB:

For: **Dan Schooff (608) 266-9967**By/Representing: **Sarah**This file may be shown to any legislator: **NO**Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Schooff@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Deferred prosecution agreements for worthless check violations; licensing requirement for collection agencies

**Instructions:**

Same as 2941/3

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			01/23/2004 _____		01/23/2004	01/29/2004	

FE Sent For:

<END>

→ At Intro.

01/23/2004 12:25:37 PM

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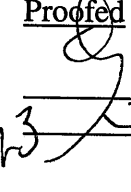
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FE Sent For:

&lt;END&gt;



State of Wisconsin  
2003 - 2004 LEGISLATURE

SOON

2003 BILL

4052/1  
LRB-284173  
MGD:jld:pg  
↑  
stays

Regen

- 1 AN ACT *to amend* 943.245 (3m); and *to create* 971.41 of the statutes; **relating**  
2 **to:** deferred prosecution agreements for persons charged with issuing a  
3 worthless check or other order for payment and allowing a district attorney to  
4 collect money owed to others.

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***Analysis by the Legislative Reference Bureau***

Current law prohibits intentionally issuing a worthless check. As with nearly all other crimes, a case alleging a violation of this prohibition may be resolved through a deferred prosecution agreement between the district attorney and the defendant. Under such an agreement, the district attorney agrees to amend or dismiss a charge if the defendant complies with specified conditions, such as paying restitution to the victim.

This bill makes several changes relating to the use of deferred prosecution agreements in worthless check cases. Under the bill, a deferred prosecution agreement in a worthless check case may require the defendant to pay money owed for the worthless check to the district attorney for remittance to the payee. If it contains such a requirement, the deferred prosecution agreement must also require that the defendant attend a class or counseling regarding financial management and the impact of issuing worthless checks. The bill also allows a district attorney to charge a defendant a fee for entering into such an agreement, which the district attorney may not otherwise do under current law. Finally, the bill permits a district attorney to contract with a [nonprofit organization that is licensed as a

**BILL**

prosecution agreements in worthless check cases and to administer such agreements.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 943.245 (3m) of the statutes is amended to read:

2           943.245 (3m) Any recovery under this section shall be reduced by the amount  
3 recovered as restitution for the same act under ss. 800.093 and 973.20 and by any  
4 amount that a district attorney collects in connection with the act and pays to the  
5 plaintiff under a deferred prosecution agreement under s. 971.41.

6           **SECTION 2.** 971.41 of the statutes is created to read:

7           **971.41 Deferred prosecution program; worthless checks.** (1) In this  
8 section:

9           (a) "Collection agency" has the meaning given in s. 218.04 (1) (a).

10          (b) "Collector" has the meaning given in s. 218.04 (1) (b).

11          (c) "Solicitor" has the meaning given in s. 218.04 (1) (b).

12          (2) A district attorney may require, as a condition of a deferred prosecution  
13 agreement with a defendant charged with violating s. 943.24, that the defendant pay  
14 money owed for the worthless check or other order issued in violation of s. 943.24 to  
15 the district attorney for remittance to the payee of the worthless check or order. If  
16 it includes such a requirement, the deferred prosecution agreement shall also  
17 require that the defendant attend a class or counseling regarding financial  
18 management and the impact of issuing worthless checks. Notwithstanding s. 978.06  
19 (1), a district attorney may charge a defendant who is a party to a deferred

**BILL**

1 prosecution agreement under this section a fee to cover the district attorney's costs  
2 under the agreement.

nonprofit organization that is licensed  
as a

3 (3) A district attorney may contract with a collection agency to collect money  
4 from defendants under deferred prosecution agreements under this section and to  
5 administer such agreements.

6 (4) Notwithstanding s. 218.04, a district attorney is not required to be licensed  
7 as a collection agency, a collector, or a solicitor under s. 218.04 for purposes of  
8 collecting money from defendants under this section.

9 (END)



**Northrop, Lori**

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**From:** Lundquist Nuutinen, Sarah  
**Sent:** Thursday, January 29, 2004 3:21 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-4052/1 Topic: Deferred prosecution agreements for worthless check violations; licensing requirement for collection agencies

It has been requested by <Lundquist Nuutinen, Sarah> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-4052/1 Topic: Deferred prosecution agreements for worthless check violations; licensing requirement for collection agencies